

**Wichita Police Department Policy Manual****Approved by:****Policy 504-Bias Crimes**

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Maintained by:
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504.01 Federal, State, and Local law all require that the Wichita Police Department designate which of its reported crimes, both felony and misdemeanor, directly result from bias of one type or another. Thus, a reporting officer must determine:

- A. Whether a bias crime has occurred;
- B. The proper Hate Bias Motivation Code for the case;
- C. Whether an additional charge may be filed against the person suspected of committing the bias crime.

DETERMINING WHETHER A CRIME IS A BIAS CRIME

504.02 To be designated a bias crime, the misconduct must have occurred as the direct result of the perpetrators hatred of, or bias towards, a particular type of person, or specific group of people [e.g., racial, religious, ethnic/national origin, or sexual orientation]. If the crime most likely would have occurred regardless of the victims orientation or group membership, then the incident should not be designated a bias crime [e.g., a W/M robs a B/F; unless some indication exists that the crime occurred because of the victims race, gender, etc., it is not a bias crime].

CLASSIFICATION

504.03 If a determination is made that an incident is motivated by hatred or bias towards a certain type of person, or a specific group of people, then the reporting officer must include a Hate Bias Motivation Code on the Incident Report.

ADDITIONAL CRIMINAL CHARGES

504.04 Sub-section 5.01.010(a) of the Code of the City of Wichita is designed to charge certain crimes, when these crimes are motivated by animosity or hostility towards a person because of the person's race, color, gender, religion, national origin, age, sexual orientation, ancestry, disability, or handicap. Before charges may be filed against a person pursuant to this section, the arresting officer must ascertain that the suspect violated one (1) of the following City ordinances:

- A. Chapter 5.10 - Assault and/or Battery;
- B. Chapter 5.24 - Disorderly Conduct;
- C. Section 5.66.010 - Criminal Damage to Property;
- D. Section 5.66.050 - Criminal Trespass;
- E. Chapter 5.82 - Interfering with Telephone Service;
- F. Chapter 5.88 - Unlawful Use of Weapons.

Unless evidence exists that one (1) or more of these crimes was committed, the suspect should not be charged with a violation of subsection 5.01.010(a). However, if charged with violating 5.01.010(a), he or she should not be additionally charged with the underlying crime, just the bias crime.